

Testimony on SJ 24 by Patricia Grubb before the Law and Justice Interim Committee, April 21, 2016

Sir Chairman, and members of the committee, good morning. My Name is Patricia Grubb, and I live in Bozeman, Montana. I work at Internal Medicine Associates, where I work mostly with elderly patients checking into see their Primary Care Providers. I am pleased to appear before you today to advocate for the innocent survivors as well as the offenders of what has become a movement in our country in the fight against sex offenses.

Speaking as a survivor of sexual assault, we as children never know why we are put in situations that scare us, we just know that we endured something painful and live through those situations with the outcome being confused and frightened hoping to avoid any future incidents. I was told several different times in my life by my mother that children are resilient, too young to remember, too young to be scarred, that we will always bounce back. This couldn't be further from the truth, trauma is something that is ingrained and we never forget! I stand before you today to be a voice for these innocents that are not being heard.

The issue of sexual assault is very personal because this happened to me. A child should never have to endure what I endured as a young girl. The advances of a **step father's** glances that make you feel shame, inappropriate comments about the body that make you feel uncomfortable because you are starting puberty, an attempt to kiss in a way that only mommy and daddies do, receiving quick denials of acts when called out upon. The sounds of someone creaking in the hall way, brushing up against the bathroom door, putting you into an immobilizing state of fear.

Who does this to someone he is supposed to protect and nurture? Someone who needs help. We must begin to protect and heal the innocent who endure these advances, by working to rehabilitate those people who are amendable to treatment. The knowledge that the assailant will be sent to prison for decades may reduce crime reporting; someone victimized by a relative or ex-spouse, for example, may not want to see that person put behind bars for many years especially if the person is supporting a family.

We also need to educate people about the illegal ramifications of viewing, downloading, texting illegal pornography; this is especially true for our our youth and young adults, for whom exploring the internet is almost as easy as breathing, and whose maturity is such that they don't realize the harm the do to others, as well as themselves, through this activity

We need to refocus on our criminal justice system – not just simply reacting to sex crimes but toward actually preventing it and reintegrating offenders into the community to better help the odds in reducing sex crimes against children.

The question we should ask ourselves is not about being harsh or lenient on criminals, it's about what works and what doesn't, about substance versus symbols, about public safety verses politics

Many sex offender laws carry significant costs for local and state government in the form of added prison beds and staff time for parole, probation, and law enforcement officers. Any analysis, in addition to assessing their effectiveness in deterring crime, should consider whether these laws are an efficient use of public funds. Resources focused on preventing sex offenses, intervening when abuse is ongoing, and rehabilitation can do more to reduce harm than locking someone up who is NOT likely to reoffend for years.

The current sex offender laws intended to protect the public is ineffective, it is wasteful, it diminishes resources and destroys lives. Montana, as a state, can do so much better.

How can we better protect public safety and save the State of Montana money on ineffective and expensive corrections? Here are some ideas:

- Consider Pre-Plea Diversion with treatment, particularly for younger and first time offenders.
 - This is an alternative to prosecution which seeks to divert certain offenders from traditional criminal justice processing into a **program** of supervision and services.
 - This could be especially effective for juveniles and young adults, allowing them, after treatment, to get back on track and become successful law abiding adults.
- Develop a Sex Offender Treatment Court
 - Modeled after Drug and Veterans Treatment courts
 - Could include medical care, drug treatment when appropriate
 - Treatment would need to be based on based practices which work when applied timely and targeted effectively
 - Probation officers could be specially trained
 - If person successfully completes program, charges could be dropped or reduced
- Expungement for young adults and for those convicted of certain other offenses, after significant period without reoffending
 - The legal record of an arrest or a criminal conviction would be "sealed," preventing a person's conviction from coming up on a criminal background check by employers, landlords, etc. Law enforcement still has access to the records.
 - Would be an incentive for not re-offending, and would help reduce the collateral consequences.
- Rein in the Registry. Consider either not registering or early release from registry for:
 - 1st time offenders
 - Those who have not re-offended for a significant time period
 - Those at low risk to reoffend

Thank you for your attention today, members of the committee. I hope you will take this testimony into consideration as you draft your final recommendations to the Legislature.